

# **Board of Judicial Policy and Administration**

## **Minutes**

### **December 3, 2014**

The Board of Judicial Policy and Administration met in Cheyenne, Wyoming on December 3, 2014. In attendance in person were Chief Justice Jim Burke, Justice Michael Davis, Justice Kate Fox, Judge Tom Campbell, Lily Sharpe, Ronda Munger, Kristi Racines, Carol Thompson, and Becky Craig. Judge John Perry, Judge Keith Kautz, Judge Bob Castor, Judge Wes Roberts, and Judge Curt Haws participated by video.

Chief Justice Burke introduced and welcomed Lily Sharpe, the new State Court Administrator.

### **Old Business**

#### **Committee Updates**

##### **Court Security Commission –**

- Court Security Assessments/Training – Chief Justice Burke reported on the two grants that were received in July from the National Center for State Courts: \$50,000 for courthouse assessments, and \$30,000 for training. The training sessions were conducted at three physical locations and six remote locations and were reported to have been very successful. The courthouse assessments were conducted in Basin, Cody, Laramie, Lusk, Newcastle, Sundance, Torrington, and Wheatland. The assessment reports break out the security measures that can be accomplished with minimal expense and those measures that would be more costly.

- Court Security Legislative Update – Chief Justice Burke explained that the Court and Commission are moving forward, based upon the assessment reports, with a request to the Legislature for funding for court security improvements in the counties where the assessments have been conducted.

- Incident Reporting System – Lily Sharpe advised that an on-line form is being created for law enforcement, judges, and court staff personnel to use to report security incidents as they occur. The draft will be reviewed at the December 12<sup>th</sup> Court Security Commission meeting.

- Local Court Security Management Committees – Chief Justice Burke spoke about the Resolution that was adopted on October 27, 2014, which determines that there is to be one circuit judge and one district judge on the court security management committee in each county. He suggested that it would be beneficial to bring attention to this Resolution and to ask for feedback.

**CTAC – Docket Management, E-Filing, Calendaring** – Justice Davis reported that Thomson Reuters is looking more closely at the accounting side of the District Court

WyUser system and will hopefully have a new release issued soon that will address some of the accounting problems. The additional bugs will be dealt with in future releases. Justice Davis advised that the circuit court system has been put on hold until the problems with the WyUser system have been resolved.

### **Judicial Learning Center**

Chief Justice Burke spoke of the Legislature's approval of \$280,000 in matching funds for the Judicial Learning Center. He reported that the Court requested an additional opinion from the Judicial Ethics Advisory Committee asking whether or not the Supreme Court can apply for publically available competitive grants from private foundations whose purpose is concerned with education of the public on matters related to the law. The JEAC concluded that the Supreme Court could apply for grants if the grants would not undermine the court's impartiality, integrity, independence and public confidence. The Supreme Court will assess grants on a case-by-case basis to ensure they meet the JEAC's criteria. He advised that various grant monies have been received and that additional grant requests are being prepared. He pointed out that the Judicial Learning Center may also serve as an educational resource for other communities and courts since there is a possibility that some of the exhibits may be capable of being transported around the state. Chief Justice Burke also informed the Board that various leadership groups are scheduled to tour the Supreme Court over the next few months.

### **Revisions to Rule 3, WRCrP**

Judge Castor reported that work is still being done on the amendment to Rule 3 of the Wyoming Rules of Criminal Procedures which will create uniformity in the manner in which citations are amended. Discussion was held on this matter. Judge Castor advised that the Circuit Court Conference's Executive Committee is meeting in December and plans to have a draft of the rule ready for discussion at the BJPA's March meeting.

### **Elder Issues in the Courts**

Chief Justice Burke spoke about the educational program on elder issues that was presented at the Conference of Chief Justices/Conference of State Court Administrators last July. The State Plan on Aging indicates that by 2020, 33% of the people in Wyoming will be age 60 or older, making Wyoming's population the fourth oldest state in the country. He suggested that the judiciary study current and future needs for addressing elder issues. He indicated that Justice Fox agreed to look at this matter as a component of the Access to Justice Commission. Justice Fox reported that she has found that the Department of Family Services, Department of Health, AARP, and the American Bar Association are doing a great deal on this front. She advised that she and Eydie Trautwein are in the preliminary stages of identifying what the issues are, but a lot of what they have heard, especially from the Department of Family Services, is that it is a matter of raising awareness. Justice Fox pointed out that where these elder issues bisect with the judiciary are in the areas of elder abuse, neglect, and financial exploitation, especially in the context of guardianships and conservatorships. She plans to reach out to the judges and ask specific questions. Discussion was held on this matter. Chief Justice Burke moved and Judge Campbell seconded a motion that a subcommittee be created to address elder issues. Motion passed unanimously. The subcommittee will consist of Justice Fox, Judge Perry, Judge Kautz, Judge Campbell, and Judge Roberts.

### **Public Trust and Confidence/Judicial Leadership/Public Education**

Chief Justice Burke stressed that the judiciary needs to identify ways in which it can build and maintain the public's trust and confidence. He believes that one of the areas where the judiciary should be putting forth more effort is in educating the public about the judiciary. Chief Justice Burke urged every district to develop some sort of educational outreach program, and he indicated that the Supreme Court will support and assist the efforts in any manner it is able. He suggested that a system be put in place to track the outreach programs that are being conducted around the state. Chief Justice Burke and Ronda Munger provided information on "You Be The Judge," iCivics, and the sentencing exercise that was held at the Rock Springs High School, all of which have been very successful programs and well received.

Chief Justice Burke also suggested that biographical information for the circuit and district judges be added to the Supreme Court's website. Discussion was held on this matter. He encouraged both of the conferences to discuss this at their meetings and to report back at the March BJPA meeting.

### **Time Standards for District Courts/IT Tracking**

Judge Kautz reported that a two step process will be proposed at the next District Judges' Conference meeting to put into effect a rule wherein the judges strive to meet the ABA and/or National Center for State Court time standards. The district judges would first review their timeliness individually, and then conduct an analysis as a group. Judge Kautz explained that it will be difficult, however, to quantify how the district courts are doing until the WyUser system has the ability to produce the pertinent statistics. Chief Justice Burke applauded the district court judges for taking the leadership on this issue.

### **Legislative Committee**

Chief Justice Burke pointed out that many of the bills that are proposed in the legislative sessions have some level of impact on the judicial branch. He explained that even though the Supreme Court monitors the bills for their effect on the judiciary, he feels that there should be a designated person from each conference who would be responsible for informing the judges of pertinent legislation and providing feedback to the Supreme Court about the judges' concerns. Discussion was held. Judge Steven Cranfill will serve in that capacity for the District Court Conference, and Judge Brian Christensen will serve for the Circuit Court Conference.

## **New Business**

### **Proposed Amendments to the Disciplinary Code for the Wyoming State Bar**

Chief Justice Burke provided the Board members with copies of the proposed amendments to the Disciplinary Code for the Wyoming State Bar. He pointed out that one area of the proposal that seems to be somewhat controversial is in regard to certain aspects of the disciplinary proceedings being made available to the public. Chief Justice Burke advised the Board that a meeting will be scheduled with Bar Counsel to discuss the proposed amendments.

### **Circuit Court, Eighth Judicial District v. Lee Newspapers**

Judge Haws provided the Board with a copy of proposed Rule 5.1 to the Rules Governing Redactions from Court Records, which sets forth the policy and process by which sexual

assault cases are handled. He explained that the rule is designed to try to achieve uniformity in the way the circuit courts handle redactions in sexual assault cases where the identity of the purported victim and the defendant is not to be disclosed by any public employee until the case is bound over to the district court (W.S. 6-2-319). It also ensures that the circuit courts are being consistent and are conforming with the Supreme Court's guidance in its recent opinion in the matter of the *Circuit Court of the Eighth Judicial District v. Lee Newspapers*. The Rule directs each circuit court to put into place a uniform written policy, in substantially the same form as the Uniform Order (Appendix B), that addresses the processes and procedures to be used in the filing of felony sexual assault cases under Wyoming Statutes Title 6, Chapter 2, Article 3. Lengthy discussion was held. Judge Haws explained that the clerks who have been utilizing the policies set out in the Uniform Order are grateful to have written procedures in place that guide them in making the court's records accessible to the public without disclosing prohibited information. Judge Haws moved and Justice Fox seconded a motion recommending that Rule 5.1 of the Uniform Redaction Rules be adopted by the Wyoming Supreme Court. Motion passed unanimously.

### **Legislative Breakfast**

Chief Justice Burke reminded the Board that the Legislative Breakfast is scheduled for January 14<sup>th</sup> at the Supreme Court. He pointed out that this may be the last session for quite some time, due to the renovation project, where the State of the State and State of the Judiciary addresses will be held in the Capitol building.

### **Miscellaneous**

Discussion was held about the difficulties that Judge Roberts encountered when his name was left off of the ballot in Teton County and the subsequent need for there to be a special election. Judge Roberts related that the Secretary of State's Office has given assurances that there will be processes put into place with the county clerks' offices so that this situation never arises again. Lily Sharpe will speak with the Secretary of State's Office about their new process and will give a report at the March BJPA meeting.

Meeting was adjourned.

### **Schedule of Future Meetings:**

March 11, 2015 (video conference)

June 3, 2015 (video conference)

September 8, 2015 (State Bar Meeting – Jackson)

December 2, 2015 (video conference)

Approved by email on March 2, 2015